

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

-v.-

JOSHUA MAST, *et al.*,

Defendants,

And

UNITED STATES SECRETARY OF
STATE ANTONY BLINKEN, *et al.*

Nominal Defendants.

CIVIL NO: 3:22-cv-00049-NKM-JCH

**PLAINTIFFS' MOTION, AND MEMORANDUM OF LAW IN SUPPORT OF MOTION,
TO SEAL EXHIBIT B OF PLAINTIFFS' RESPONSE TO RICHARD MAST'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs, by counsel, respectfully move for leave to file under seal Exhibit B of their Response to Richard Masts' Notice of Supplemental Authority, pursuant to Local Civil Rule 9 and this Court's Protective Order (ECF No. 26). In support thereof, Plaintiffs state as follows:

Exhibit B of the Response refers to Plaintiffs' given names and that of their family members. This Court has issued a Protective Order (ECF No. 26) allowing Plaintiffs to proceed under pseudonyms, given the concern for their safety and that of other innocent non-parties, such as their family members.

Under the common law right of access to judicial records, documents should be sealed when a party's interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). "Courts have

recognized that an interest in protecting the physical and psychological well-being of individuals related to the litigation, including family members and particularly minors, may justify restricting access” to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020).

In this instance, the threats to the safety of the Plaintiffs and other innocent non-parties are very real, and have been recognized by this Court’s Protective Order (ECF No. 26).

Plaintiffs have publicly filed a redacted version of Exhibit B. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs’ identities.

Accordingly, Plaintiffs request that Exhibit B of their Response be filed under seal, as the risks attendant to public disclosure of these documents is not likely to dissipate over time.

A proposed Order is attached as Exhibit A to this Motion.

Dated: December 11, 2023

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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